

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. S1-1:06 CR 134 CDP
)	DDN
LAWAN S. JAMES, et al.,)	
)	
Defendants.)	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE
REGARDING JOINDER OR SEVERANCE**

This action is before the Court upon the motion of defendant Lawan S. James for severance of parties. The pretrial motions of all parties were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). An evidentiary hearing on the motions of defendant James was held on October 11, 2007.

Defendant James moves for severance and a separate trial pursuant to Rule 14 of the Federal Rules of Criminal Procedure. Rule 14 permits a separate trial if joinder would prejudice a defendant or the government. In such a case, the moving defendant would be entitled to a separate trial. Fed. R. Crim. P. 14.

In this case the government consents to a separate trial for defendant James and does not oppose the motion to sever.

Whereupon,

IT IS HEREBY RECOMMENDED that the motion of defendant Lawan S. James to sever his case for a trial separate from that of his co-defendants (Doc. 229) should be sustained.

The parties are advised they have ten days from this date to file written objections to this Report and Recommendation. The failure to file objections may result in a waiver of the right to appeal issues of fact.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on October 15, 2007.